

Local Law Filing

(Use this form to file a local law with the Secretary of State.)

Text of law should be given as amended. Do not include matter being eliminated and do not use italics or underlining to indicate new matter.

County

of Suffolk

OCT 15 2019

Local Law No. 31 of the year 2019, A Local Law to Prohibit The Release of Helium Filled Balloons

Be it enacted by the County Legislature of the
(Name of Legislative Body)

County

of Suffolk

as follows:

Section 1. Legislative Intent.

This Legislature hereby finds and determines that the Ocean Conservancy determined that latex and Mylar balloons are the most common form of floating garbage within 200 miles of American shorelines.

This Legislature also finds that the Ocean Conservancy also listed balloons as the second most dangerous debris item, as they are frequently mistaken by sea life as food.

This Legislature further finds that balloons are composed of materials that cannot be digested by marine life, causing animals to either choke on the balloon or creating an intestinal obstruction which will kill the animal.

This Legislature finds that while latex balloons breakdown over time into a sticky substance in salt water, Mylar or foil balloons never degrade.

This Legislature determines that balloon ribbon is also hazardous, as it can choke or entangle marine life in a manner that limits their mobility.

This Legislature also determines that balloon debris on Suffolk County beaches is prolific despite an existing County law limiting the quantity of helium filled balloons that can be released to 25 per event in a twenty-four hour period.

This Legislature also finds that the most effective way to reduce balloon debris in the County's waterways and protect the environment is to prohibit the intentional release of helium filled balloons entirely.

Therefore, the purpose of this local law is to amend Chapter 310 of the SUFFOLK COUNTY CODE to prohibit the intentional release of helium filled balloons in Suffolk County.

Section 2. Amendments.

Chapter 310 of the SUFFOLK COUNTY CODE is hereby amended as follows:

CHAPTER 310. BALLOONS, HELIUM

* * * *

§ 310-2. Release prohibited.

No person, nonprofit organization, firm, corporation, or municipality shall knowingly release, organize the release of, condone the release of, or intentionally cause to be released into the atmosphere [, within a twenty-four-hour period, 25 or more] helium or lighter-than-air gas balloons within the County of Suffolk.

§ 310-3. Notification of restrictions.

Any business organization, including, but not limited to, any individual, corporation, unincorporated association, proprietorship, firm, partnership, joint venture, joint-stock association, or other entity of any kind who or which sells or offers for sale helium or lighter-than-air gas balloons to any person within the County of Suffolk for compensation shall disclose, in writing, the restrictions set forth in §310-2 of this chapter by conspicuously posting a statement of these restrictions at each point of sale (all capital letters not less than two inches in height on a contrasting background). This statement shall read as follows:

IT IS UNLAWFUL TO RELEASE [MORE THAN 25] HELIUM OR LIGHTER-THAN-AIR
GAS BALLOONS IN SUFFOLK COUNTY.

* * * *

§ 310-7. Applicability.

- A. This chapter shall apply to the sale, distribution, or use of helium or lighter-than-air gas balloons in Suffolk County occurring on or after the effective date of this chapter.
- B. This chapter shall not apply to a release of balloons [made] being used for the purpose of carrying scientific instrumentation during the performance of an experiment or testing procedure, balloons released on behalf of a government agency or pursuant to a government contract for scientific or meteorological purposes, hot air balloons that are recovered after launching, and balloons released indoors.

* * * *

Section 3. Applicability.

This law shall apply to all actions occurring on or after the effective date of this law.

Section 4. Severability.

If any clause, sentence, paragraph, subdivision, section, or part of this law or the application thereof to any person, individual, corporation, firm, partnership, entity, or circumstance shall be adjudged by any court of competent jurisdiction to be invalid or unconstitutional, such order or judgment shall not affect, impair, or invalidate the remainder thereof, but shall be confined in its operation to the clause, sentence, paragraph, subdivision, section, or part of this law, or in its application to the person, individual, corporation, firm, partnership, entity, or circumstance directly involved in the controversy in which such order or judgment shall be rendered.

Section 5. SEQRA Determination.

This Legislature, being the State Environmental Quality Review Act (SEQRA) lead agency, hereby finds and determines that this law constitutes a Type II action pursuant to Section 617.5(c)(26) of Title 6 of the NEW YORK CODE OF RULES AND REGULATIONS (6 NYCRR) and within the meaning of Section 8-0109(2) of the NEW YORK ENVIRONMENTAL CONSERVATION LAW as routine or continuing administration and management not including new programs or major reordering of priorities that may affect the environment. The Suffolk County Council on Environmental Quality (CEQ) is hereby directed to circulate any appropriate SEQRA notices of determination of non-applicability or non-significance in accordance with this law.

Section 6. Effective Date.

This law shall take effect on the ninetieth (90th) day immediately subsequent to filing in the Office of the Secretary of State.

1. (Final adoption by local legislative body only.)

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2019 of the (County)(City)(Town)(Village) of _____ was duly passed by the _____ on _____, 2019 in accordance with the applicable provisions of law.
(Name of Legislative Body)

2. (Passage by local legislative body with approval, no disapproval or repassage after disapproval by the Elective Chief Executive Officer*.)

I hereby certify that the local law annexed hereto, designated as local law No. 31 of 2019 of the (County) of Suffolk was duly passed by the County Legislature on September 4, 2019, and was approved by the County Executive and was deemed duly adopted on September 27, 2019, in accordance with the applicable provisions of law.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

3. (Final adoption by referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2019 of the County of _____ was duly passed by the _____ County Legislature on _____, 2019 and was approved by the _____ County Executive on _____, 2019.
(Name of Legislative Body)
Such local law was submitted to the people by reason of a mandatory referendum, and received the affirmative vote of a majority of the qualified electors voting thereon at the general election held on November ____ 2019, in accordance with the applicable provisions of law.

4. (Subject to permissive referendum and final adoption because no valid petition was filed requesting referendum).

I hereby certify that the local law annexed hereto, designated as local law No. _____ of 2019 of the (County) of Suffolk, New York was duly passed by the County Legislature on _____, 2019, and was (approved) by the County Executive on _____, 2019.
(Name of Legislative Body)
(Elective Chief Executive Officer*)

Such local law was submitted to permissive referendum and no valid petition requesting such referendum was filed as of _____, in accordance with the applicable provisions of law.

* Elective Chief Executive Officer means or includes the chief executive officer of a county elected on a county-wide basis or, if there be none, the chairperson of the county legislative body, the mayor of a city or village, or the supervisor of a town where such officer is vested with the power to approve or veto local laws or ordinances.

5. (City local law concerning Charter revision proposed by petition.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2019 of the City of _____ having been submitted to referendum pursuant to the provisions of section (36)(37) of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of such city voting thereon at the (special)(general) election held on _____, 2019 became operative.

6. (County local law concerning adoption of Charter.)

I hereby certify that the local law annexed hereto, designated as local law No. ____ of 2019 of the County of _____ State of New York, having been submitted to the electors at the General Election of November _____, 2019, pursuant to subdivisions 5 and 7 of section 33 of the Municipal Home Rule Law, and having received the affirmative vote of a majority of the qualified electors of the cities of said county as a unit and a majority of the qualified electors of the towns of said county considered as a unit voting at said general election, became operative.

(If any other authorized form of final adoption has been followed, please provide an appropriate certification.)

I further certify that I have compared the preceding local law with the original on file in this office and that the same is a correct transcript therefrom and of the whole of such original local law, and was finally adopted in the manner indicated in paragraph ____ 2 ____, above.

Clerk of the County legislative body, City, Town, or Village Clerk or officer
designated by local legislative body

Date: 9/27/19

(Seal)

(Certification to be executed by County Attorney, Corporation Counsel, Town Attorney, Village Attorney or other authorized attorney of locality.)

STATE OF NEW YORK
COUNTY OF Suffolk

I, the undersigned, hereby certify that the foregoing local law contains the correct text and the all proper proceedings have been had or taken for the enactment of the local law annexed hereto.

Signature

County Attorney
Title

County
of Suffolk

Date: 10/8/2019